

Streamlining the Permit Process while Protecting Public Waters

Proposed Rule on Fish & Wildlife Habitat Structures – NR 323

Summary of Rule Proposal

Wisconsin Act 118 created a three-tier permit system intended to speed permit decisions without reducing protection of fish and wildlife habitat, navigation, water quality and natural scenic beauty (public rights). This rule establishes standards for fish and wildlife habitat structures that can be placed under an exemption, general permit or individual permit.

Why is this an issue for public waters?

Structures such as nesting boxes, fish cribs, tree drops, and others generally improve fish and wildlife habitat. In certain locations or if constructed improperly, they can have unwanted side-effects, including sedimentation, removal of desirable natural habitat, or attracting fish or wildlife to unsuitable areas or enabling too much harvest.

Previous Regulations

This rule replaces a previous rule related to habitat structures with a broader rule consistent with past standards used in our short-form permit process.

What's Being Proposed?

This rule change establishes construction, design and placement standards for fish and wildlife habitat structures to be eligible for exemptions and establishes general and individual permits. Specifics of the rule are:

Structures may be placed only by a riparian within the riparian's zone of interest.

Structure must be placed solely for the purpose of improving fish habitat.

Fish cribs shall be no larger than 8' tall by 8' long by 8' wide and have a minimum of 5 feet of water over the top of the structure. They shall be constructed of biological materials with the exception of fastening and anchoring devices and cannot be placed within 100' of swimming beaches or swim rafts or in soft sediment or muck that is greater than 3" in depth.

Spawning reefs shall be constructed of clean uncrushed gravel and rock 2-8" in diameter in a linear form parallel to the shore. They shall be placed where water depths range from 0-5' and can be no longer than 100' along the shore and no wider than 30' perpendicular to the shore.

Wing deflectors can only be placed in navigable streams less than 5' wide and cannot exceed more than 25% across the stream width.

Tree drops can only be placed in lakes and flowages. Trees must be freshly cut live trees having a minimum diameter of 12". They must be securely anchored to the shore.

Half log structures must be constructed from green logs and can't be placed where the bottom substrate consists of sand or gravel or in water deeper than 5'. They can't be placed greater than 500' from the shore.

Wildlife nesting structures can be placed only by a riparian within the riparian's zone of interest. It must be placed solely for the purpose of improving wildlife habitat and cannot exceed 25'. They must be constructed of unpainted wood or of materials that are non-gloss earthtone colors that blend into the shoreline during leaf-on conditions.

Activities that don't meet these standards require a general permit or individual permit.

We'd like your input - instructions for commenting are on the back of this sheet.

What do YOU Think?

DNR is looking for your input concerning these proposed rules. You can participate in one of several ways.

Fill out a written questionnaire at a public hearing **open house**.

Send comments over the **internet** at
<https://apps4.dhfs.state.wi.us/admrules/public/Home>

Testify at a public hearing (see locations, dates and times by clicking on DNR's page, then on "Permits & Licenses," then "Waterway & Wetlands."

Mail DNR your written comments to Ms. Roberta Lund, DNR FH/3, P.O. Box 7921, Madison, WI, 53707-7921.

Comments accepted through August 9, 2004